

Appl. No. : 10/072,424
Filed : February 8, 2002

REMARKS

Claims 1-7 and 13-18 remain pending and are presented for further examination. In response to the Office Action dated February 9, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Interview Summary

Applicant would like to thank the Examiner for taking the time to discuss the pending application in a telephonic interview with counsel for Applicant on January 23, 2006. During the interview a proposed amendment that Applicant has now incorporated into Claim 13 and that is specifically discussed below was agreed with the Examiner to resolve any indefiniteness of Claim 13.

Claim Rejections – 35 U.S.C. § 112, paragraph 2

The Office Action rejected Claims 13-17 as being indefinite for reciting a sheet, formed by the ends of the fibers, that is perpendicular to the fibers. To clarify Claim 13, Applicant has amended the claim to recite “forming a sheet that extends in a direction substantially parallel to the base.” Applicant has further amended Claim 13 to recite that the carbon fiber material comprises a “collection of carbon fibers located predominantly proximate to said first end of at least some of said first plurality of fibers, said collection of carbon fibers on each end having an overall diameter substantially greater than a diameter of the first end to which they are attached.” Therefore, Applicant respectfully submits that Claims 13-17 now fully comply with the requirements of § 112.

Discussion of Provisional Rejection Under Nonstatutory Double Patenting

The Examiner provisionally rejected Claims 1-7 and 13-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 and 45 of co-pending Application Number 10/464,830. The Examiner noted that this is a provisional obviousness-type double patenting rejection with respect to the pending application because the conflicting claims have not in fact been patented.

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In view of Applicant's amendment to Claim 13, the only remaining rejection of the present application should be the provisional obviousness-type double patenting rejection. Applicant respectfully submits that the provisional obviousness-type double patenting rejection should now be withdrawn in the present application and converted to a double patenting rejection in Application Number 10/464,830. See M.P.E.P. § 804.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

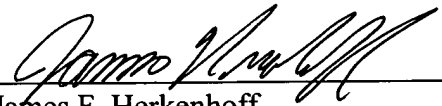
The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11 1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/4/06

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